

September 18, 2000

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT

SUBJECT: Department of Development and Environmental Services File No. **L99P3019**

MURPHEY'S LANDING
Preliminary Plat Application

Location: 20028 – 104th Place Southeast and 20060 – 104th Place Southeast

Applicant: Jack Willing, c/o Lyle Homes, *represented by*
Eric LaBrie, Barghausen Consulting Engineers, Inc.
18215 – 72nd Avenue South
Kent, WA 98032
Telephone: (425) 251-6222 Facsimile: (425) 251-8782

King County: Department of Development and Environmental Services
Land Use Services Division, *represented by* **Lance Moreno**
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219
Telephone: (206) 296-7182 Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted:	December 28, 1999
Complete application:	January 25, 2000

EXAMINER PROCEEDINGS:

Hearing Opened:	September 14, 2000
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Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Traffic circulation
- Access
- Temporary turn-around

SUMMARY:

Grants preliminary approval to a proposed subdivision of 2.89 acres into 17 single-family residential building lots.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information.**

Owner/Developer:	Kenneth Nelson (owner) 930 – 7 th Avenue Kirkland, WA 98033 Wayne K. Uyeta (owner) 20060 – 104 th Place S. Kent, WA 98031 Lyle Homes (developer) 1601 – 114 th Avenue SE Bellevue, WA 98044 Telephone: (425) 646-6311 Contact: Jack Willing
Engineer:	Barghausen Consulting Engineers, Inc. 18215 – 72 nd Avenue S. Kent, WA 98032 Telephone: (425) 256-6222 Contact: Eric LaBrie/Hal Grubb/Bill Glassey
Location:	20028 – 104 th Place SE and 20060 – 104 th Place SE. Parcel Numbers: 052205 9047 and 052205 9086.

STR:	5-22N-5E
Zoning:	R-6 (6 dwelling units per acre)
Acreage:	2.89 acres
Number of Lots:	17 total lots (16 new lots with one existing house to remain)
Density:	5.88 dwelling units per acre
Lot Size:	Lot sizes range from approximately 4,391 to 6,490 square feet.
Proposed Use:	Single-family residential
Sewage Disposal:	Soos Creek Water and Sewer District (see attachment 2)
Water Supply:	Soos Creek Water and Sewer District (see attachment 3)
Fire District:	Number 37
School District:	Kent School District
Complete Application Date:	January 25, 2000

2. **Proposal.** Lyle Homes (the "Applicant") represented by Barghausen Consulting Engineers, Inc., proposes to subdivide a 2.89 acre parcel, classified R-6 (six dwelling units per acre) into 17 single-family residential building lots. One existing house will remain on one of those lots; thus, the incremental density increase of the subject property will be 16 lots, not 17. With lot sizes ranging from approximately 4,391 to 6,490 square feet, the Applicant proposes a density of 5.88 dwelling units per acre.
3. **State Environmental Policy Act.** On July 28, 2000, the Department of Development and Environmental Services (the "Department" or "DDES") issued a threshold determination of non-significance regarding the proposed development. That is, the Department published its determination that an Environmental Impact Statement would not be required because the proposed development is not expected to cause probable significant adverse impacts upon the environment. No agency, person, tribe or other entity appealed that determination. The Department's environmental review record is incorporated in this review record.
4. **Department Recommendation.** The Department recommends granting preliminary approval to the proposed plat of Murphey's Landing, subject to the 16 conditions of final plat approval stated on pages 7 through 10 of the Department's Preliminary Report to the Hearing Examiner, dated September 14, 2000 (Exhibit No. 2).
5. **Applicant Response.** The Applicant accepts the Department's recommendation as described in Finding No. 4, preceding.
6. **Neighborhood Concerns.** Mr. Orvella, representing various neighboring residents who share the same access street as Murphey's Landing, expressed concern regarding the following:
 - a. **Temporary turn-around.** A temporary turn-around bulb, approximately 100 feet in radius, exists 50 feet south of the subject property on 105th Avenue Southeast. Murphey's Landing will, of course, obtain access via that same street. Neighboring residents want to know how the turn-around and temporary easements associated therewith will be handled now that Murphey's Landing will be constructing a permanent turn-around at the terminus of 105th Avenue Southeast. Responding to this concern, the

Department notes that Recommended Condition No. 10b requires the Applicant to remove and restore the existing temporary turn-around consistent with Section 2.08 of the King County Road Standards (KCRS). The Department's testimony suggests that restoration would include removal of asphalt, establishment of appropriate street edge, topsoil as necessary and re-seeding.

- b. **Through-street versus cul-de-sac.** Residents along 105th Avenue Southeast express some concern and curiosity regarding why that street could not be "looped" so as to connect with 104th Avenue Southeast to the west of the northernmost portion of the subject property. The Department indicates that the technical review committee (including engineering review consistent with the KCRS) found that such an extension of 105th Avenue Southeast would have introduced additional curb cuts and turning movements within a very short span of 104th Avenue Southeast, thereby increasing safety concerns. This observation applies equally well regardless of whether the plan called for looping 105th Avenue Southeast back to 104th Avenue Southeast or called for a separate access for Murphey's Landing from 104th Avenue Southeast at that more northern location. Additionally, the Applicant responds that, due to topography, the drainage facilities must be located in the northeastern corner of the subject property. There simply is insufficient area to locate a street and those drainage facilities in that same location while retaining the house located on proposed Lot No. 17.

Mr. Orvella also raised questions and concerns regarding multiple mailbox locations and signage. The Examiner ruled those matters to be outside his jurisdiction. Jack Willing testified on behalf of the Applicant that he would discuss these concerns with the neighboring property owners to seek mutually satisfactory agreement. Concerns regarding the maintenance of the County right-of-way at the 104th Avenue Southeast entrance to Clearwater Court, were referred to the King County Department of Transportation at 1-800-KC-ROADS.

7. **Department Report Adopted.** Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated September 14, 2000 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.

3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed plat of Murphey's Landing, received by DDES on May 12, 2000 (Exhibit No. 6) is **GRANTED PRELIMINARY APPROVAL**; SUBJECT to sixteen conditions of final plat approval stated on pages 7 through 10 of the Department's Preliminary Report (Exhibit No. 2).

ORDERED this 18th day of September, 2000.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 18th day of September, 2000, to the following parties and interested persons:

Roger Dorstad
Bill Glassey
Hal Grubb
Terry Gunter
Jeff Hersey
Kevin Keyes
King County Envir Health Division
Eric LaBrie
Linda Matlock
Eleanor Moon
Kenneth M Nelson
New Home Trends
New Home Trends
Robert & Tracy Orvella
Randy Richardson

Cheng Nyan Saetern
Wayne Uyeta
Elizabeth Vaughan
Jack Willing
John & Maria Ycaindec
Greg Borba
Kim Claussen
Nick Gillen
Kristen Langley
Aileen McManus
Lance Moreno
Carol Rogers
Steven C. Townsend
Larry West
Bruce Whittaker

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before October 2, 2000**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before October 9, 2000**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE SEPTEMBER 14, 2000 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L99P3019 – MURPHEY'S LANDING:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Lance Moreno and Bruce Whittaker. Participating in the hearing and representing the Applicant were Eric LaBrie and Hal Grubb of Barghausen Consulting Engineers, Inc. Other participants in this hearing were Bob Orvelland and Jack Willing.

The following exhibits were offered and entered into the record:

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| Exhibit No. 1 | DDES File No. L99P3019 |
| Exhibit No. 2 | DDES staff report to the Hearing Examiner, dated September 14, 2000 |
| Exhibit No. 3 | Application, dated December 28, 1999 |
| Exhibit No. 4 | Environmental Checklist, dated December 28, 1999 |
| Exhibit No. 5 | Declaration of Non-significance, dated July 28, 2000 |
| Exhibit No. 6 | Plat Map, dated May 12, 2000 |
| Exhibit No. 7 | Land Use Map 609W |
| Exhibit No. 8 | Assessors Maps SW 5-22-5 and NW 5-22-5 |
| Exhibit No. 9 | Level One Downstream Drainage Analysis, received December 28, 1999 |
| Exhibit No. 10 | Preliminary Wetland Assessment and Delineation, received December 28, 1999 |

